

BOARD OF DESIGN REVIEW MINUTES

June 10, 1999

CALL TO ORDER: Chairman Williams called the meeting to order at 6:47 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman David Williams; Board Members Renee Cannon, Alissa Crane, Stewart Straus, Walter Lemon, and Hal Beighley.

Staff was represented by Associate Planner Colin Cooper, Development Services Manager Irish Bunnell, Senior Planner Bill Roth, Project Engineer Jim Duggan, Transportation Planner Sean Morrison, Assistant City Attorney Ted Naemura, and Recording Secretary Gerry Bowles.

OLD BUSINESS

Continuance

PUBLIC HEARINGS

Chairman Williams opened the public hearing and read the format for the meeting. He explained that one Board member was not present for the first hearing and one was present for only a portion of the hearing. Both have read all the materials and have familiarized themselves with everything presented either orally or in writing. Unless someone in the audience objects, they will participate in tonight's hearing and in the vote. Mr. Lemon said the company he works for is involved in the construction of the new high school. He is no longer involved in the project and has no monetary involvement. He will participate in the Southridge High School Sign Variances. There were no disqualifications of Board members. No one in the audience challenged the right of any Board Member to hear any of the agenda items.

A. BDR 99022/TPP 99002 ASPEN WOODS *(Continued from May 27, 1999)*

A request by Polygon NW for Design Review and Tree Preservation Plan approval for a proposed multi-family residential development on a parcel of land owned by the Archdiocese of Portland fronting SW Millikan Boulevard. The proposed development is entirely within the Archdiocese property, no development is proposed on the Tualatin Hills Nature Park property. The development includes off-site transportation roadway improvements at Tualatin Valley Highway and SW 160th Avenue south to Shaw Street. The applicant is also requesting engineering

design modifications for the internal streets of the proposed development. The site is within the Station Area Medium Density Residential (SA-MDR) zone. The site is located north of Beaverton Creek, west of SW Millikan Boulevard, and is approximately 22 acres in size. Map 1S1-08; Tax Lot 2300.

Chairman Williams reviewed that the Board had completed public testimony at the previous hearing. Two additional cards have been turned in from people who wish to speak. The Board will then ask questions of the team representatives and of the applicant.

Mr. Cooper explained that there are now three published items for the record which include the original staff report dated May 27, 1999, Staff Report Addendum I dated May 27, 1999, and Staff Report Addendum II dated June 3, 1999.

BARBARA WILSON, 12820 SW 20th Court, Beaverton 97008, wished to make it clear that during the 1980 election when the original nature park was purchased, the St. Mary's Woods Committee tried very hard to include this 22 acres. They did think they were going to get the 22 acres until the last minute and their ballot title had to be filed. They had offered market value at 1980 land market prices that should have included the 22 acres. The ballot measure passed on June 24, 1980. It did not require the seller to sell but it allowed the Park District to issue bonds to present the money to the Archdiocese. It then took two years for the Park District to negotiate the possibility of buying the property. The ballot title said a minimum of 180 acres but they were still thinking and hoping that the Archdiocese would sell the additional 22 acres. At the last minute, they said no. She wanted everyone to understand that they did everything possible to get that property in 1980. In 1997 she belonged to a land acquisition committee and they were spending the money of the 1994 THPRD measure. Once again they approached the Archdiocese with regard to this 22 acres. They were told that they were very confidentially working out the Wal-Mart proposal. The Archdiocese did not want anything to do with them and they would not discuss the sale of the property or price. The Wal-Mart store was denied by the City Council and once again the Park District became interested in the purchase of the property but by that time, the price was so high, that it was way beyond the reach of the Park District. The Park District had hoped to get this property for the last 20 to 25 years but the Archdiocese has never felt a connection with the community. It was always that the price was too high or when the Park District had the money, the Archdiocese refused to sell for reasons unknown to them.

HAL BALLARD, 14180 SW Allen Boulevard, #32, Beaverton 97005, said he visited the nature park several weeks ago with his grandchildren. It was a very peaceful and quiet environment. If this development were to proceed, that would all change. He cited Goal 1 to preserve and enhance our sense of community. As Ms. Wilson mentioned, the attempt to purchase this property by the Park District has been going on since 1980.

Mr. Franklin introduced members of the team who were present to respond to questions. They included Dick Schouten, an attorney with the Make Our Park Whole Committee and Chairman of the West Beaverton Neighborhood Association

Committee; Tom Hjort, Bachelor of Science, Civil Engineer, and a Registered Professional Engineer specializing in hydrology impacts; Peter Finley Fry, land use planner with a Master's Degree in urban planning and registered with the AICP; Mike Houck, urban naturalist with the Audubon Society of Portland and Chairman of the Coalition for a Livable Future Natural Resources working group; and Robert Bernstein, traffic engineer with a Bachelor and Master's Degree in Civil Engineering.

Mr. Straus asked the team to address the relationship between the existing developments around the nature park and the park itself since they are being used as a basis for drawing conclusions of the impacts we are likely to see from this new development. There will be differences between the existing development and the one being proposed. The developer of this project has attempted to approach the nature park as a sensitive area whereas the other developments were there prior to the creation of the nature park. He asked how the conditions of the existing relationship translates into what you think is going to happen and how those conclusions were drawn.

Mr. Schouten referred to Exhibit 68 stating that they talked to staff and to the Park District and they pointed out that there are more problems at the western edge of the park because that is where the majority of people living adjacent to the park are concentrated. The eastern edge of the park is uninhabited. That information was used in conjunction with the fact that the Park District has raised serious questions as to how well the CC&R's are going to work. The Stewardship Plan and the CC&R's are going to be cumbersome to deal with. They have real doubts that the kiosk, the CC&R's, and other programs they have established will solve all the problems. The problems occurring now at the west end of the park are undoubtedly by a small number of people. The 239 units are going to represent a great deal of increase in people. They anticipate that this will result in problems in the east end as well.

Mr. Houck said a lot of the uses on that side of the park are totally different in character than 239 units. His biggest concern is the direct impact on habitat. The students from Merlo High School testified at the last hearing with scientific information about habitat fragmentation and edge effect. The fact is that there is a large block of land that is an important anchor from a wildlife habitat perspective which will be fragmented as a result of this project. That impact is totally different and is not comparable to the office commercial development on that side of the park.

Mr. Straus questioned the character of the development on the west side of the park. How far are the occupants and how immediate is the relationship of the park to other activities? Mr. Franklin said on the west side of the park is the Wood Creek Apartments and St. Mary's Retreat. They both are located on the east side of 170th and back up directly to the park. On the west side of 170th, there are multiple housing developments. The street acts as a buffer to the park. Mr. Straus noted that the development on the east side of 170th was there before the park was opened. At the time those units were built, the issue of the nature park was not discussed. Mr. Franklin said discussions with the manager of the nature park indicate that the

majority of the problems come from the west side. Mr. Straus asked if they know that the source of the problems is from the people who live in the facility immediately west of the park. Mr. Franklin said the park manger is acquainted with some of these people due to multiple incidents. Mr. Straus asked if there are fences between the park and the apartments. Mr. Franklin responded no. Mr. Schouten added that signs have been placed and branches have been laid across rogue trails to indicate their closure but it has been very frustrating for the park manager to get compliance.

Mr. Straus said that the incident report described what would appear to be the equivalent of homeless people or people camping out in the park. A lot of what was reported sounds like it could be coming from people anywhere in the area including transients. The implication from all this information seems to be that because these activities are ongoing that we have to assume that the presence of additional units is going to make that situation worse. Yet there is no real connection between those activities and the fact that there are other residential units in the area.

Mr. Houck said this is cumulative impacts. The fact that other impacts occurred up until this point does not mean that we do not need to look seriously at additional impacts. Looking at the site and imaging the number of units and increase in number of people, there will be noise generation and habitat loss no matter what they do. As described in much of the public testimony, this place is a respite where people can go to get away from noise. There is no way that noise encroachment on the park will not be generated. Mr. Fry said staff has defined the surrounding area as the park. The development needs to be compatible with the adjacent properties, which in this case is the park. The property that is separated by the roadway has a physical separation. If this development had a road between it and the park, it would be a different situation. When the park was developed, the question was whether it was compatible with the surrounding existing residential uses. The decision was made in the past that it was. The Board is now deciding whether a development that is surrounded on 3-1/4 sides by a park is compatible with the surrounding uses. The park does not have to change its behavior to this proposal. This proposal has to prove it is compatible with the park. With regard to the homeless issue, it would be appropriate to say, based on his experience, that a park would tend to attract people without homes. If he were a developer and trying to show compatibility, he would place a perimeter fence around his development to prevent the park from impacting his development. The purpose of the perimeter fence is not only to protect the park from the development but it is also to protect the development from the park. They have argued that this method is actually destructive to the adjacent park use that currently exists.

Mr. Schouten said they also gave a summary tying particular activities to particular residences as shown in Exhibit 68. Dogs with or without leashes were tied to residents in Wood Creek and apartments on the other side of 170th. There is illegal bicycle activity as evidenced by bicycle tracks on unpaved tracks near the Wood Creek Apartments and along the entrances on 170th. The night camping was in most cases the residents nearby. Most of the activity occurs in the west and southwest ends of the park. Mr. Straus stated that it sounds like the problem is a matter of enforcement. People are going to take advantage of the resource they see perhaps in

ways they should not. Whether the new development is added or not, the need for this enforcement is going to go on in the future. Not having this proposed development is not going to result in all these problems going away. This developer is taking certain measures, as can reasonably be expected, as part of his plan to mitigate much of these problems.

Mr. Straus said there has been a lot of discussion on the amount of effort this group has put into attempting to purchase the property. He asked if there has ever been an attempt to go through a zone change or Comprehensive Plan Amendment. Mr. Fry, referring to Mr. Straus' previous comment, agreed that the reality is enforcement. Every use will conflict with another use. Zoning of this is a police power and jurisdictions wrestle with how to enforce the police power specific to the property. As a planner, one would try to minimize the opportunities for requiring enforcement which is the purpose, in his opinion, for the compatibility standard. Enforcement is complaint-driven and not a profitable business for the City. It is a very expensive process for the cities to go through. This group is arguing that this proposal, through CC&R's, etc., will actually create more enforcement problems than is appropriate for the City to deal with. This group does not exist as a group to purchase the property. It is a group of citizens bound together for a common cause. Many of them would like the property to be park land. In Beaverton, an individual cannot apply for a Comprehensive Plan zone change without the signature of the property owner. Mr. Franklin added that this group has not tried to purchase the property. They are just a group of concerned citizens.

Mr. Straus asked what kind of development the group would envision as being compatible on this property that would be buildable within the allowable zoning and still meet the group's qualifications of an acceptable neighbor. Mr. Fry said there are two categories to deal with, one is use and the other is the way the use is placed on the property. Obviously, a park use would be compatible. A clustered development along the road of the nature of a higher density type complex with the remainder of the site left natural would eliminate the impact on the edges. If you take the lineal edge of the property and its impact on surrounding uses by minimizing the edge, it would then make it easier to achieve the issue of compatibility. This development, which is spread out over the entire site, essentially has four edges of incompatibility. If the residential use is moved to a higher density closer to the road, then you are minimizing the edge. He felt that a clustered development would be more approvable. Mr. Straus asked how this would address the implied concern that the number of people who will be residing in these units will pose the problem. Even if you have a higher density development on a smaller portion of the property, the noise and people impacts would still be evident. It would then result in not only concern for the nature park but the adjoining open space that would be located on this parcel. He asked where the impact zone would end. Mr. Fry said the City has no open space zone that does not allow people. There are some jurisdictions that are starting to limit the bulk and size in zoning allowances. They have a right to develop the site as zoned, which in this case is residential. The question is then whether the use developed on the site is being done in a manner that minimizes its impacts on surrounding property. He agreed with Mr. Straus that 200 people will impact the site regardless of where they are located. However, if spread out over the entire acreage, their impact is dissipated and

uncontrollable. If placed in a structured area, the impact can be mitigated. In his opinion, if the people are not spread out, they are easier to control and they would meet the compatibility with surrounding properties. If the nature park were developed as a single family development, then it would not be appropriate to cluster the units on this parcel because it would be more compatible to spread the development out similar to the adjacent properties. This nature park is not going away so this use will be use on this adjacent property into the foreseeable future. Mr. Houck added that this would be a way to mitigate the direct impact on habitat and he agrees that by clustering the units and not spreading them out, you can control noise more effectively.

Mr. Fry illustrated on the site plan how clustering the units has less impact on the edges. Chairman Williams felt that clustering worsens the impact. It would result in destroying a wetlands. Instead of having two-story buildings which can be screened fairly effectively by trees, you now have three and four-story buildings which cannot be screened which results in a visual impact. A third impact of clustering is noise. Noise is a direct line function. A third-story radio will be heard anywhere in the park. That type of scenario will make the situation worse. Mr. Fry said basic clustering would have consequences. One would be interference with the wetlands. The clustering would need to be modified to address the wetland issue. Another issue would be the appearance of the buildings. This is a design issue which can be dealt with through the development of carriage houses or by setting the second stories back. The higher buildings would have more visual impact but this is a design issue that would need to be addressed through proper modifications. With regard to noise, clustering the buildings on the street would physically mitigate the noise to the park. The park would benefit from the wall of building blocking the noise coming into the park from the road. Although this type of design would create noise, there are design solutions to deal with that. Architects can mitigate both incoming and outgoing noises. An example might include placing all the windows on the front side. Mr. Franklin summarized that they feel there are alternative design methods within the existing Code that would probably meet the compatibility issue. They do not feel it is their responsibility to point out all those alternatives.

Ms. Cannon requested several clarifications of statements contained in the Minutes from the previous hearing since she was not present at the meeting. She questioned the definition of social trails. Margaret Armstrong, teacher at Merlo High School, said they could also be classified as neighborhood kid trails or short cuts.

Ms. Cannon asked Mr. Naemura asked if the Board has any authority to approve or deny a proposal based on the homeowner association fee. Mr. Naemura replied that that aspect of a non-profit corporation is on its own not part of the Board's authority. The Board can invite comments from the proponents on those issues but regulation of those issues is not under the Board's authority.

Ms. Cannon said Mike Houck stated in his testimony that no amount of mitigation will compensate for the loss. She asked if they feel that any building on this site would not be appropriate. Mr. Houck said he had stated that this is the wrong development in the wrong place given the significance of the site. If he were asked

what he would do to reduce the impacts, he would respond that avoidance is the first preference. If this is not possible, the next step would be to start talking about minimization of impacts. He would prefer that it be zoned Office Commercial because it would have a much less impact on the resources.

Ms. Cannon noted that density transfer was discussed and asked Mr. Houck what this would entail in his vision. Mr. Houck said the discussion was in regard to the other site on the other side of Beaverton Creek that this developer is also proposing to develop. That site is not before the Board at this time.

Ms. Cannon referred to a statement that a bridge over the wetlands is completely unacceptable. She showed a bridge that is currently over the wetlands and asked why one would be acceptable and another not. Mr. Fry said as a planner, it gets to the issue of concentration and use. If a bridge is within a development and used a lot and there is no way to dissipate what people do, then that impact is concentrated and in that case, a bridge may not be appropriate. If a bridge is in a large area and used recreationally, then the impact is dissipated. Mr. Houck said the bridge impact pales in comparison to habitat fragmentation. Mr. Schouten said the bridge was a fairly insignificant issue and not discussed in great detail.

Ms. Cannon asked Mr. Naemura if affordable housing is a criterion in the design review process. Mr. Naemura stated no.

Ms. Cannon asked about the swales. Mr. Schouten said the Kurahasi and Associates report expressed concerns about whether or not the hydrology along these drainage areas would have sufficient water to sustain the kind of growth that would be needed to make the bio-swales effective.

Ms. Cannon asked if the definition of surrounding area applies only to those properties actually touching the site. Mr. Cooper said generally, it is the surrounding area and not just the contiguous boundary.

Ms. Cannon questioned Mr. Houck's experience to qualify his statement that the applicant could get his return on a different configuration. Mr. Houck said he has been involved in land uses for over 20 years and has seen examples. One is Creekside. Originally, the developer wanted to fill the entire wetland and indicated it was necessary in order to make their development viable. After lengthy discussions with all affected agencies, it was determined not to be appropriate. The buildings were constructed outside the wetlands. The Creekside manager has stated that the buildings that face the wetland lease for more money. By being more sensitive to the environmental land on a site, more money can be made in the long run by protecting the natural areas on a site. Ms. Cannon stated that it is important to her that there be a balance between allowing an individual to develop his property based on his vision and protecting the environment.

Ms. Cannon asked if the clustering concept had been shared with Polygon. Mr. Franklin said no. Their concern is for the best use of the property. Based on the testimony, many agree that the best use would be as an addition to the park. There were attempts to purchase the property over the years including the time when the

park was originally created. They unfortunately failed to get involved at the time of the zone change two years ago. This cannot be changed now but they can fight for what they feel is the best use of the property and what they feel will increase the quality of life for the people in Beaverton and eastern Washington County. This park is not just a Beaverton asset. Ms. Cannon said she appreciates the amenity but she also feels that when someone owns a piece of property, they should be allowed to develop as allowed by City Code. Mr. Franklin agreed but the development must also be compatible with the surrounding area. Ms. Cannon said there are different visions for different people for different pieces of property. If someone wants a piece of a property, they must buy it. An owner cannot be made to sell if they chose not to. Mr. Franklin said they are trying to stop something that they think will be detrimental. If this project is allowed to go forward and it proves to be detrimental, how will the situation be reversed and how will the nature park be replaced. Mr. Franklin said they feel there are other options that could meet all the conditions including compatibility. Mr. Fry said he understands that people have the right to develop their property and as a planner, he has the responsibility to work through the interests that affect that property and maximize that property's value, not only to the owner but to the surrounding community. Mr. Schouten said their committee's role is not their vision versus the developer's vision. They are saying that this particular development does not meet the technical and design standards before them. No one has the right to develop in a fashion that violates those standards. This is why the \$75 homeowners' association fee is an issue. One of the technical standards is that adequate means are provided to ensure continued maintenance and necessary normal replacement. The amount of \$75 will clearly not provide adequate means as required by the technical standards.

Ms. Crane referred to statements made at the last hearing with regard to the transmittal of diseases from animals in the park to domesticated pets and then to humans. She asked if there are any documented cases of this occurring at the present time from pets living in the adjacent developments. Dr. DeBess, State Public Health Veterinarian, said they do surveillance on a number of illnesses. Some of those are illnesses transmitted from animals to humans and from animals to animals. He receives reports of numbers, by County, of illnesses throughout the State of Oregon. It would be impossible to determine any particular area. Washington, Clackamas, and Multnomah counties have the largest number of illnesses transmitted from animals to people. At the present time, the majority of illnesses are animal to animal but the number of diseases from animal to human will increase over time as people enter spaces that have not been inhabited by people. Dr. Nia Hansen said she generally sees pet animals. Her testimony related to the degradation issue. Cats are ferocious and very adept predators. She had spoken in terms of trauma, killing the wildlife in the park, or upsetting the balance of habitat. Mr. Houck said there is a wealth of data of the impact feral cats have on native wildlife.

Chairman Williams noted that the drainage from Carr Chevrolet, which was recently developed near the site, travels through their catch basins, through their drainage swales, and into this same creek. He asked if the proposed development is any better or any worse than any other facility. Every property is governed by USA standards and every property in the City, based on their square footage, drains to a

storm system which goes to a bigger system which goes to a creek. Mr. Hjort said he is not aware of Carr Chevrolet's process. If the drainage enters that creek, it flows down into the park. This proposal will add to that and create a cumulative effect. Because of the close proximity, there is little opportunity for dissipation before entering the creek. Mr. Schouten added that this is why the technical standards speak to no adverse effect on neighboring properties. Whether there are adverse effects by properties not too far away or somewhere else in the City is also a concern. The issue before the Board at this time is that there be no adverse effects from this proposal on neighboring properties. Chairman Williams asked why this proposal is different considering they have complied with all the USA standards. Mr. Schouten said the neighboring property is a nature park which is very sensitive. This use is very sensitive to adverse effects caused by storm drainage runoff and the Board is compelled to look at the technical standards and apply them in this case. In this case, the standards are higher because the neighboring property is a nature park and its uses are extremely sensitive to adverse effects. Mr. Hjort said if this were a park owned by Metro, it would have to comply with Title 10 which does not allow any pollutants to be discharged into it.

Mr. Douglas Hunt, Chemist, said over the last 16 months he has been on the Water Quality Board for the City of Beaverton and USA covering Beaverton Creek and other creeks. He read into the record information regarding phosphorous from his draft of the Beaverton Watershed Management Plan. He stated that the highest total phosphorous loads per area are found in the upper reaches of Hall and Beaverton Creeks. In the future, a couple watersheds in Cedar Mill and North Johnson Creek will also fall in this category. The larger increases projected for North Johnson Creek and Lower Beaverton Creek, in which this site is located, are those areas developed as residential areas. Chairman Williams interpreted this to mean that residences contribute more phosphorous than other facilities. Therefore, there is a greater concentration for that particular element. Mr. Franklin added that the Carr Chevrolet site was a pre-existing automotive warehouse facility for General Motors. There may not have been a great difference in the discharge from that site. Chairman Williams expressed his point that all the water in the City, after it goes through whatever swales, ponds, or treatment it goes through winds up going to a pipe. Once the water reaches the pipe, there is no treatment. It then goes into the creek. He was attempting to gain information as to why this development is any different than any other. Mr. Franklin stated that the further away from the sensitive areas, the more purification will take place because as the water flows down the creek, there is grass and other vegetation to impede the flow of the pollutants. In the case of this development, there are two ponds that are within a couple hundred feet of this development. The pollutants will not have an opportunity to filter out. The tables indicate that approximately 40% of the pollutants will pass through the bio-swales. Mr. Schouten added that the language in the technical standards state no adverse effects on the neighboring properties. The creek is already of marginal quality and the cold water fish are extremely intolerant of pollutants. Mr. Houck added that not all sites are created equal. They would like the unique issues of this particular site addressed.

In summary, Mr. Franklin read a closing statement into the record. He noted that the nature park is unique and a valuable treasure for eastern Washington County. In

order for the nature park to remain healthy, only low density development should be allowed immediately adjacent to it. The Beaverton Code stipulates incompatibility as a basis for denial. It also states that there be no negative impact on adjoining properties. City staff has not addressed this vital issue. The developer, through his extensive attempts at mitigation, is admitting there will be negative impacts on the park. THPRD, though their testimony requesting 62 conditions, clearly shows their concern for negative impact. Public testimony from experts in various fields including ecology, biology, engineering, planning, animal behavior and diseases, etc. have demonstrated that the proposed development is both incompatible with and will negatively impact the nature park. This development does not meet the requirements of Beaverton's Development Code. The Archdiocese needs to reassess its plans for this property and come back with a different proposal. The community and region are united in their opposition to this project. This includes 8 NAC's, two CPO's, Metro Parks and Greenspaces Advisory Committee, THPRD, Audubon Society of Portland, Tualatin Riverkeepers, Friends of Johnson Creek, Wetlands Conservancy, Oregon League of Conservation Voters, Friends of Bryant Woods Nature Park, Sierra Club, and over 3,000 signatures of Beaverton and Washington County citizens. The Make Our Park Whole Committee, on behalf of all those groups, asks that the Board deny this application.

RCESS: 8:30 p.m.

RECONVENE: 8:45 p.m.

Mr. Gast, Polygon, wished to address the development concept. They looked at the property surrounding the site and wanted to address that it was important to look at those resources and be as sensitive as possible. They had significant resources on the site. He agrees with Mr. Houck that those resources add value to the development which is why they did not do the minimum buffers or the minimum tree preservation. They went for a balanced approach. In response to testimony from the opponents, the testimony that impressed him the most was from the Merlo High School students. He congratulated them for coming forward. For most, if not all, it was their first opportunity to give a public presentation which is not an easy thing to do and they did a very good job. There was also a lot of passionate testimony. People in Beaverton care about their community and that is the reason Polygon wants to develop here. He has heard that there should be no development on this site because no development could be compatible with the park. When the District acquired the park property, there certainly were expectations from the City, the Park District, and the Archdiocese that these two properties would be developed. At one time, the property had been approved for an Auto Mall. The property has been available for purchase for the last 20 years and has been available to be developed for that same time. Three years ago, a definite determination that this property was compatible for medium density residential was made. The City Council approved the Planning Commission recommendation for this piece of property specifically with this zone. This zone was created with this property in mind. They had a specific vision of how this property was going to be developed and came up with specific standards for this zone. Polygon, in response to that fact and the fact that the site has resources on the property and is adjacent to the park, ensured that they were sensitive to the park and to the property and gave it the consideration that it deserved. They took the pro-active approach through meetings

with the Park District and with the neighborhood. They are proposing many mitigation measures to be sure they go above and beyond the standards. They have proposed minimum density for the site, maximized setbacks, increased buffers, and lowered building heights. That is the standard called for in the design code. There was a specific question about the Wood Creek Apartment site. That site is nothing similar to what they are proposing. They have no fence, the parking lot is directly abutting the park, no screening or buffering, no native landscaping, no lighting considerations, and their dumpster is located directly adjacent to the park. Water quality was a major concern. They increased their setback from Beaverton Creek. The minimum distance they are located from Beaverton Creek itself is 193 feet. That is well in excess of any standard including Title 3 which has not yet been formally adopted by the City. Another area of opposition related to the impact to natural resources. They share the concern. They view those resources as assets and have weaved those resources into the development. They have done so through a balanced approach. They have preserved 45% of the trees on the site, 100% of the wetlands, and have increased setbacks from Beaverton Creek. They have offered to dedicate nearly 30% of the property to the Park District. Although met with some skepticism, they have created a Stewardship Plan. It is the first of its kind in Beaverton and it demonstrates that they wanted to take a cutting edge approach to this development. There has been a notion that the residents of Aspen Woods will be public enemy No. 1 to the park. He disagrees and contends that they will probably be some of its best constituents. In summary, they have successfully balanced several interests. They have demonstrated significant sensitivity in consideration for the park. They have clustered their development to preserve half the property's open space while achieving the minimum density required. They successfully incorporated resources, its assets, and amenities. They have created measures for the stewardship of those resources. They concur with staff who has provided them with an extensive and detailed list of findings on all the criteria and concluded that the applicant has met or exceeded all site development standards for the SA-MDR zone.

Mr. Straus noted that this is one of two sites being planned for development. He asked why this site was chosen to be developed first. Mr. Gast said this one was more fun. It had more resources which sometimes make it easier to lay out. The wetlands and tree groves are defined and can be weaved into the plan. They did not have the resources to do both sites at once. They also wanted to give it the attention it deserved. Mr. Straus asked if any consideration was given to density transfer between the two parcels. Mr. Gast said there was consideration given to the types of product to be developed on the properties. They determined they wanted to build an attached for sale development as opposed to an apartment development. Greater density on the site would not have been appropriate for what they had envisioned. Mr. Straus asked if they are envisioning the other parcel being developed with a similar type of development. Mr. Gast said that application is now in the process of being reviewed for completeness. It is proposed at a similar density. Mr. Straus said it has been noted that the density is considerably less than what is allowed under the Code. He asked if the density is at the maximum for this type of development to which Mr. Gast responded yes.

Mr. Beighley asked Mr. Gast for comments on the letter from THPRD that included 60 conditions. Mr. Gast stated that an overwhelming number of conditions in that letter have already been incorporated into their plan and have already been addressed by staff in their conditions of approval. There are 4 or 5 which would pose a problem. One of which is that the lights of the development be turned off at 1 a.m. This would pose a safety concern. Chairman Williams added that this would not be allowed by the Police Department.

Mr. Beighley asked Mr. Gast for his response to the concerns raised by the Fire Department. Mr. Gast said these concerns are not out of the ordinary from the Fire Department. It basically results in the Fire Department wanting them to sprinkle their buildings. They do not have a problem with that. Two of the products they are using already will require sprinklers.

Ms. Cannon asked if the site plan depicts the actual tree preservation. Mr. Gast said they tried to isolate specific tree types and tried to preserve trees in large tracts. There is a permit to allow them to fill the perched wetland. They chose not to do that because they thought it was a significant amenity. They also felt that the coniferous forest on the west side of the property was also important. The riparian zone on the south side of the property was interesting and unique and would help water quality stay out of that area. Ms. Cannon asked if the design was driven by the existing natural resources. Ms. Cannon asked how they will protect the trees during grading. Mr. Gast described some of the measures to be taken to protect the trees including fencing and minimal grading. They are required to have an arborist on site while they complete the grading.

In response to a question from Chairman Williams, Mr. Gast estimated the total construction time to take approximately 18 months.

Chairman Williams asked Mr. Bliss to review his letter that addressed issues raised by Mr. Hjort with regard to water quality and quantity and construction impacts. Mr. Bliss said he submitted a letter this evening to Colin Cooper in response to Mr. Hjort's comments. Mr. Hjort's testimony basically related to water quality, quantity, and construction impacts during the construction of the development. There will be an increase in quantity of runoff. That is the nature of development. As you increase the impervious area, the runoff is therefore increased. There will be an increase in pollutants because of the impervious nature of the area you are covering but there are mitigating measures which have been applied in the design of this project to offset and alleviate and mitigate those. In response to increased storm water runoff, he did not wish to address the exactness of the numbers because they are a little different. The issue is the net affect of the development on the drainage system itself. The current zoning in the Development Code allows for a much more densely developed project. Typically, a project of this nature, by Code, could cover 85% of the site with impervious area. The total developable area, less wetlands, buffers, and open space requirements, would be 18.84 acres by Code. All of the 18.84 acres could be impervious. The planned development, however, is planning an impervious area of 9.1 acres or 48% of that amount that is allowed. The site, in its current condition, would produce under a 25-year frequency runoff 6 cubic feet

per second. That is the peak runoff flow rate. Once developed, under a 25-year frequency runoff, the runoff would be 15 cfs or an increase of 9 cfs which, in his judgment, is insignificant, when compared to the 25-year peak runoff for Beaverton Creek. The 25-year peak runoff for Beaverton Creek, as confirmed by the Unified Sewerage Agency, between Murray and TV Highway is 889 cubic feet per second, whereas 100-year is 1190 cfs. In comparing the 25-year from the development and the 25-year peak in the creek, it is approximately a one percent increase. If you take the 25-year runoff from the development to the 100-year, it is less than $\frac{3}{4}$ of a percent. The additional runoff being created by the development is rather insignificant, when looking at it in terms of those numbers.

Mr. Bliss said there was a comment with regard to detention. The City of Beaverton, as many other jurisdictions, has come to the realization that when you are adjacent to a waterway such as a creek, the best thing you can do is not retain the water but rather allow it to develop and run off as rapidly as possible, particularly when you are down in the lower reaches of the basin. Storms typically develop from the south and go in a northeasterly direction. That happens to be upstream in the case of Beaverton Creek. The water is going to develop early on the lower reaches and develop as you go further upstream. If you were going to collect the runoff from this development and hold it and allow it to be metered off at a lower rate, in essence, you reduce the peak of runoff but you elongate the length of time it will be exiting this site. As the stream flows are developing upstream at these later rates and then combine with this downstream flow, there is a greater possibility, by the additive nature of these two runoffs, of creating a worse condition than allowing the water to collect, develop, and drain off prior to the upstream water reaching it.

Mr. Bliss discussed water quality. The water quality facilities that they have proposed are in accordance with the R&O established by the Unified Sewerage Agency and adopted by the City of Beaverton. They are to collect and remove pollutants, phosphorus, oils, greases, suspended and dissolved solids from the "first flush". That is, the water from a storm totaling 36/100 of an inch of precipitation during the first four hours. That is the time when the runoff becomes the most concentrated with pollutants. It is during the later time of the storm when the storm water is in much greater volume that those pollutants become dissolved and have a lesser impact on the stream. There was a comment in Mr. Hjort's letter of suspended solids being transmitted through the system. There are provisions required by the State Plumbing Code that you must have trapped inlets which is similar to what people have in their sinks in their homes. It traps oils, greases, and floatables and does not allow them to enter the outlet. They have proposed, where allowed, trapped inlets to collect suspended solids and trap oils and greases that may be suspended in the storm runoff. These inlets are then cleaned out periodically. That would be in addition to the public drainage requirements. According to the Unified Sewerage Agency's R&O, 556 linear feet of swale would be necessary to treat, in accordance with the standards established today, the storm water runoff from the development. They have proposed 1158 linear feet or double that amount. This recognizes that this is not an exact science and each year they are obtaining more information. They do not know exactly what the end result will be at the end of their treatment but they do know that it is helping and the mere fact

that they are doubling this only suggests that they have to be adding protection to the significant stream, Beaverton Creek, and the nature park. As far as spill control facilities, he only knows of a few cases where that has been required along a travel way, a highway, or where heavy equipment transports oil, fuels, and toxic materials. He does not know of any event or reason that this would be placed or be beneficial in a residential development. Taking into account the fact that they are doubling the swale length, they have reduced the amount of impervious area they are allowed, one by 50% and the other by 200%, they have in fact quadrupled the treatment aspects of the design with regard to storm water. It is recognized that construction activity does disturb the tranquility of nature, at least for a short duration. It does not seem to produce a long term effect. He has been involved in wetlands and he was responsible for creating the wetland at Creekside when he developed Creekside at Nimbus in 1981. This was before wetlands were included in the City's Code. At that time there were no water quality requirements. Water quality requirements did not come into affect until 9 years later in 1990. Yet you can see a viable, flourishing wetland even with a considerable amount of that area impervious and untreated. He described a wetlands he developed at the corner of 158th/Cornell/Highway 26. At one time, it was just a low area and they created a wetland. It receives water from a considerably large drainage area that is totally untreated for a major part and yet it is a viable flourishing wetland. He was concerned at the time he was developing it because of its location at a very busy area and he consulted with the Senior Biologist with Oregon Fish and Wildlife. The Biologist informed him that it is not the noise or the traffic, but in fact it is when people open and shut their car doors that it flushes the animals, but only for a short time. They come back. The fact that a residential area is placed next to a nature park is not in itself a problem. What is more of a problem is the enticement and the encouragement of bringing people into the park for viewing right next to a habitat. He cited other examples of wetlands with residential areas that are flourishing. Wetlands clean storm water. By the fact that they are placing pre-treatment in the form of swales ahead of these wetlands, enhances the wetlands or may even be removing the nutrients that make the wetlands flourish.

Ms. Cannon asked Mr. Gast if he is agreeable to Condition 16 which limits signage. Mr. Gast stated that this is a standard condition and he has developed other projects in Beaverton under this condition.

Mr. Cooper stated that the SA-MDR allows multi-family as a permitted use. This zone has a minimum density requirement of 20 units per acre and a maximum density requirement of 30 units per acre. With regard to density transfer, this is not a technique in the zoning code that is available for this site. Testimony had been given in regard to the wetland crossing between the Preserve and the Forest Neighborhoods. Staff has reviewed the path and bridge and understands the implication of the crossing of the wetlands; however, staff believes it will help to concentrate foot traffic in that one area rather than create undesired pathways. It will provide full circulation within the site and will allow people to have a focus and appreciation of the natural resources on the site. The bridge is conditioned to be constructed of the same materials as the bridge in the nature park. In regard to the fence, this was included as a condition of approval and the applicant has accepted it. This was a condition suggested by THPRD. Staff is comfortable with

the one-inch gap at the bottom of the fence. Staff has spoken with the Fire Marshall and in essence, all the buildings need to be sprinkled. The applicant has stated his willingness to comply with this requirement. Another issue raised was the textured concrete resulting in noise and vibration in the crossing points. Staff is willing to revise the condition that the crossing only be of a colored concrete rather than a textured colored concrete. The City does not have the Development Code authority to limit pets, exotic or otherwise. They have asked the applicant to implement voluntary restraints in that respect. With regard to the concentration of storm water, he reminded the Board that they have used an innovative technique in attaching the roof drains. It is becoming more common but in this case, the City is conditioning the applicant to provide roof drain overflow manholes at the rear of all the buildings that adjoin or abut the natural areas. This will route storm water flows back onto the site and also decrease the concentration of storm water into the other piping systems. With regard to the conditions submitted by the THPRD, many of those conditions have already been incorporated as part of the design because the applicant has had conversations with THPRD. Several are not enforceable such as one that pertains to the monitoring of storm water. This is a function of USA. With regard to noise encroachment, the proposed development has to meet DEQ standards at the property lines. In response to a question regarding a Comprehensive Plan Amendment on the property, the Development Code within the last year has been modified to require the signature of the property owner.

Ms. Cannon referred to testimony in regard to the Facilities Review Committee conditions and questioned the Board's authority in this respect. Mr. Cooper said the Board of Design Review in their process adopts conditions from the Facilities Review Committee. That Committee reviews the technical standards for Type 3 Design Review proposals. The authority of the Board does not allow that the conditions be altered but the Board may request a report back from the Committee. Ms. Cannon asked Mr. Schouten to clarify the standard he had addressed in this regard. Mr. Schouten disagreed that the Board does not have authority to look at the technical standards. The Board has to look at the legal implications and has the authority to look at the technical standards. The Code and technical standards state that there shall be no adverse effect on neighboring property caused by storm facilities and storm water runoff. There shall be no adverse effect on neighboring properties with fences and other uses. Mr. Cooper said the technical standard is Section 40.10.15.3.C.1.g. Ms. Cannon asked staff if this were not met if it would be included in the conditions of approval. Mr. Cooper explained that if the Facilities Review Committee found that there was an adverse impact to the surrounding property, staff would either recommend denial to the Board or recommend a condition of approval to allow that condition to be met. In this case, it is the development of on-site water quality treatment through the storm water swales, which meets the standards of USA, that mitigate that adverse impact.

Mr. Straus stated that a comment was expressed by the opposition that the staff has not addressed compatibility in their review and asked Mr. Cooper to respond. Mr. Cooper said he was not given details on this statement. Staff has addressed the compatibility through visual screening, buffering, and the tree preservation plan which speaks to the buffering of significant stands of trees and significant natural resources areas. Mr. Straus said compatibility, in the Board of Design Review

standards, is not an open-ended term. It is in reference to design elements, not the entire universe of everything that pertains to the site. He felt that the group in opposition may have been referring to compatibility in terms that the Board of Design Review is not in a position to judge. Mr. Cooper said Criterion A speaks to setbacks and buffers and similar considerations. In this case, we have to also consider natural resource policies that are found in the Comprehensive Plan that are supplemental regulations in the SA-MDR zone. We have, at the Board level, a higher authority to review natural resource protection which has been done and staff believes the application is meeting the local, regional, Metro, Federal, and State regulations. Mr. Straus addressed the comment that there be no negative impact or adverse effect on an adjoining site. He is concerned that one could never build anything anywhere without some adverse impact if you review it with a fine enough level of investigation. He asked Mr. Cooper to clarify at what point does the issue of adverse impact become so minor that it is considered negligible or not of any significant importance to consider as part of the criteria. Mr. Cooper responded that the Code criteria is in place to read and to respond to directly. Staff has prepared a staff report that has addressed the written criteria in response to the proposal. Mr. Straus stated that no adverse impact is an absolute term. If we can presume it is impossible for there to be no adverse impact, there has to be some point that insignificant impacts are determined to be worthy of no consideration. Mr. Cooper said staff looks at the proposed use. This is a permitted use. Then we have the approval criteria and the best management practices of either development or storm water management or traffic management and those are the levels of impact to the surrounding properties that we can consider. Staff believes they have analyzed the proposal using those best management practices and techniques established by the City.

Mr. Lemon noted that staff indicated they had recently received a letter from the Fire Marshall with respect to the requirement that the buildings be sprinkled. The applicant has indicated that this will be done but asked how this requirement will be incorporated into the project. Mr. Cooper indicated that the applicant would not be able to take occupancy or receive permits until the Tualatin Valley Fire and Rescue approves the drawing and is satisfied that this condition has been met.

The public portion of the hearing was closed.

Mr. Straus said this is obviously a very important piece of property. The rules and regulations that everyone is operating under make this a fairly clear decision in his mind. He understands the concerns of those people who say make our park whole which is not the same as make your project compatible with our park. He feels that the applicant has taken extraordinary measures to address the issues that are inherent in this piece of property. If all developers that came before the Board took the same kind of approach to a project that this developer has, there would be a lot more sites in the City that have beneficial developments on them rather than the minimum that the Code allows as opposed to what is most appropriate. This piece of property is defined for development and the development that is proposed is consistent with the BDR standards and in many cases, exceeds those standards. He is comfortable supporting this project.

Mr. Beighley agreed with Mr. Straus. He has completely read the staff report and reviewed the testimony presented at the last hearing. The developer has gone beyond what is required of a project of this nature and he will support it.

Ms. Cannon said based on the BDR standards she does not find anything that this submittal has not met or exceeded. Everything proposed is summed up in Criterion g with respect to the "...quality, location, size and aesthetic design of walls, fences, berms... serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses". With regard to the significant natural resources, the approach taken in the design and the layout is compatible with the site. She will support the proposal.

Ms. Crane said she regularly uses the park. This proposal fits within the standards and she will support the proposal.

Mr. Lemon said the Board has 8 standards that they are allowed to judge a project by. One must read exactly what they say. This project meets those 8 standards. He looked very closely at each of those standards to find one that this project does not meet but he was not able to find one. He will support the proposal.

Chairman Williams stated that this project has seen more public involvement than any other project during his tenure on the Board. Everyone would love to see this piece of property developed as a park but this is not before the Board at this time. This proposal is better than almost any other the Board has seen. This Board listened to all the arguments and considered the neighbors' points to see if they were substantial to deny the proposal. This was not possible. He is not sure there is any significant way he could have improved the project. The Board is given the charge to make an allowed project as good as it can be. Generally the Board will add several conditions to improve a proposal. If the Board believes it is important to the City or to the neighborhood, it is included as a condition, regardless of cost. This is a sterling project. The applicant has done immense coordination with staff and THPRD to do the best project for the community. He will support the proposal.

Mr. Lemon MOVED and Mr. Straus SECONDED a motion for approval of TPP 99002 Aspen Woods Tree Preservation Plan based upon the testimony, reports, and exhibits presented at the public hearings on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated May 27, 1999, Staff Report Addendum I dated May 27, 1999, and Staff Report Addendum II dated June 3, 1999, with Conditions 1 through 5. The question was called and the motion CARRIED unanimously.

Mr. Lemon MOVED and Mr. Straus SECONDED a motion for approval of BDR 99022 Aspen Woods based upon the testimony, reports, and exhibits presented at the public hearings on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated May 27, 1999, Staff Report Addendum I dated May 27, 1999, and Staff Report Addendum II dated June 3, 1999, with Conditions 1 through 33 with the following additional condition:

Condition 34 – The concrete pavement over the vehicular bridge shall be a light broom finish, similar to the City walks, in lieu of pavers or stamped concrete.

The question was called and the motion CARRIED unanimously.

NEW BUSINESS

A. BDR 99-00024/TPP 99-00003 – STUMMAN OFFICE BUILDING

Request for approval to construct an office building, approximately 4,600 square feet in size, with associated parking and landscaping. The site of the proposed building is 8375 SW Beaverton-Hillsdale Highway. The proposal includes a 24-foot wide access drive that will be shared with the property to the west at 8417 SW Beaverton-Hillsdale Highway. The applicant also requests approval to remove a significant tree on the subject property. The site is within the Office Commercial (OC) zone. The site is located at 8375 SW Beaverton-Hillsdale Highway, and is approximately .329 acres in size. Tax Lot 7000; Map 1S1-13BB.

Mr. Roth presented the staff report indicating that staff is recommending approval of the Tree Preservation Plan and the Design Review, with conditions.

Mr. Lemon requested clarification of the proper BDR number. The staff report and the Agenda do not coincide. Mr. Roth answered that it is BDR 99-00024.

In response to a question from Ms. Cannon, Mr. Roth described the adjacent buildings with regard to their use and colors.

RANDY STUMMAN, 15430 SW Gull Court, Beaverton 97007, said he and his wife plan to locate their businesses in this building. She is a physician and he is a video operator. He indicated his agreement to the conditions contained in the staff report.

BRIAN BAINNISON, Quatrefoil Inc., 415 NE 65th, Portland 97213, Landscape Architect, expressed agreement with the conditions of approval.

Chairman Williams asked why they chose the proposed colors. Mr. Stumman cited a similar facility off 185th that used the same lavender colors and he and his wife both like them. Their goal is to give the building a professional appearance that is appealing to the community.

Ms. Crane asked if these are the actual colors on the building they saw. Sometimes a small color sample will appear very different on a large wall. Chairman Williams expressed his feeling that the proposed colors would not achieve their desired goal. Mr. Stumman indicated that he is not certain that these are the actual colors used on the building they were trying to match. Ms. Cannon suggested that the darkest shade of lavender be eliminated as the main body color. The remaining tones of lavender would be more pleasing. Discussion ensued on the color possibilities and it was decided and agreed by the applicant that the darkest shade shown on the color board would be eliminated.

Chairman Williams commented that the triangular windows on the fascia appear to be part of the rectangular windows below them. There is a 4 to 6-inch vertical gap between the triangular and rectangular windows and he suggested that a horizontal

gap of the same size be placed.

The public portion of the hearing was closed.

Mr. Lemon MOVED and Mr. Beighley SECONDED a motion for approval of TPP 99-00003 Stumman Office Building Tree Preservation Plan based upon the testimony, reports, and exhibits presented at the public hearing on the matter and upon the background facts, findings, and conclusions found in the staff report dated June 10, 1999, with Conditions 1 through 7. The question was called and the motion CARRIED unanimously.

Mr. Lemon MOVED and Mr. Beighley SECONDED a motion for approval of BDR 99-00024 Stumman Office Building based upon the testimony, reports, and exhibits presented at the public hearing on the matter and upon the background facts, findings, and conclusions found in the staff report dated June 10, 1999, with Conditions 1 through 21 with the following additional condition:

Condition 22 – The color board shall be revised to delete the lap siding color. The main body color shall be the color indicated as stucco (sand finish). The trim, columns, doors, and shingles shall remain as shown.

The question was called and the motion CARRIED unanimously.

Mr. Lemon MOVED and Mr. Beighley SECONDED a motion to continue the meeting past 11 p.m. to hear the next item on the agenda. The question was called and the motion CARRIED 5-1: Lemon, Beighley, Straus, Williams, and Crane voting AYE; Cannon voting NAY.

B. TPP 99001 – MOSHOFSKY WOODS PARK PATHWAY

Request for approval of a Tree Preservation Plan to preserve all existing trees on the site of the proposed path. The site abuts the north terminus of NW Winged Foot Drive and is located west of NW 158th Avenue and east of NW 173rd Avenue. The site is within the Residential Single Family (R-7) zone and is approximately 3.08 acres in size. Map 1N1-31AD; Tax Lots 500 & 600.

Mr. Osterberg presented the staff report indicating that staff is recommending approval with conditions.

Mr. Lemon noted that the Tree Preservation Plan does not propose the removal of any trees but there is no Design Review application to build anything. Mr. Osterberg explained that the Design Review is a Type 2 administrative review.

DAWN HARTMAN, Tualatin Hills Park & Recreation District, 15707 SW Walker Road, Beaverton 97006, park planner, answered a question in regard to the width of the pathway. From time to time there will be maintenance vehicles driving along this path to access sections of the boardwalk further into the park. They have found through experience that when they install 6-foot wide pathways, the vehicles are not always able to stay on the path and they tend to go off the edges which damages the ecosystem more than a wider path. They have also found that in the construction industry, it is sometimes more expensive to build a 6-foot wide path. The equipment is typically set up for 8 feet.

Ms. Cannon asked how the runoff will be handled. Ms. Hartman said they will be paying a storm water system development fee in lieu of providing an on-site facility.

RICHARD TYNER, 1020 NW Muirfield Court, Beaverton 97006, owner of Lot 125, said he is interested due to the proximity of his lot to the pathway. He is in favor of the pathway with conditions. His property will be surrounded on three sides with the pathway following this construction. He has some concerns with regard to property value, privacy, and security issues. There is a fence of 32 feet on the northwest corner and 30 feet going east. During the winter the landscaping is not very dense. Based on the grades, he will be looking down on the pathway. The Park District has given him some verbal assurance that trees will be added for buffering. He would like a fence along the eastern boundary to provide a barrier to prevent people from using his driveway as a shortcut.

Mr. Lemon noted that there is a gap shown on the plan between the trees in the northwest corner and the trees in the southwest corner. The plans describe the area as dense brush and understory. He asked if this area contains thick brush and shrubs or is fairly open that would allow easy access to Lot 125. Mr. Tyner said one could easily walk between his garage to the path unencumbered by heavy brush or landscaping. It gets more dense as one heads south along the property line. Again in the southern portion, one could easily cut through.

Mr. Straus asked how much of his lot is unfenced. Mr. Tyner said there is only approximately 30 feet of fence along the western boundary.

Chairman Williams asked Ms. Hartman if they are planting additional trees. Ms. Hartman said at this particular time they have no plans to do so. After the project is put out to bid and they see how much money they have, they can evaluate whether they are able to add additional screening for the neighbors. Mr. Straus stated that if the path is going along the corner of Mr. Tyner's property and it creates a nuisance for him, they would be obligated to mitigate the nuisance.

Chairman Williams asked Mr. Tyner what he would like to see. Mr. Tyner said an evergreen that blends in with the natural habitat and provide some relief as a buffer between the path and his property. Mr. Osterberg suggested possibly Douglas fir or Western red cedar. Both are evergreen trees and are found in that area.

Mr. Lemon noted that the path will require removal of vegetation. He asked if these plants could be transplanted into this area. Ms. Hartman said this has been done in other cases. Mr. Lemon suggested that they move whatever plants they can to create somewhat of a continuous barrier along the property line. Ms. Crane added that if the budget does allow, they might still consider the addition of some trees as a good neighbor measure.

The public portion of the hearing was closed.

Mr. Lemon MOVED and Mr. Beighley SECONDED a motion for approval of TPP 99001 Moshofsky Woods Park Pathway based on the testimony, reports, and exhibits presented at the public hearing on the matter and upon the background facts, findings, and conclusions found in the staff report dated June 10, 1999 with Conditions 1 through 3 with the following additional condition:

Condition 4 – The existing plants which are to be removed for the construction of the asphalt path and boardwalk shall be planted along the western property line of Lot 125 to provide a barrier.

The question was called and the motion CARRIED unanimously.

**C. VAR 99-00011/VAR 99-00013/VAR 99-00014/VAR 99-00015/VAR 99-00016
SOUTHRIDGE HIGH SCHOOL VARIANCES**

Request for approval to install six signs on the Southridge High School campus. Because one sign is permitted for authorized non-residential uses in a residential zone, placement of the five additional signs require a variance. The proposal includes three monument signs along the east edge of the property fronting SW 125th Avenue, a wall sign above the main entrance to the high school, a wall sign on the east elevation of the gymnasium, and a scoreboard located on the football field. The face of the scoreboard is proposed to be visible only from the east. The applicant also requests approval of three variances to exceed the 32-square foot maximum size for three of the proposed signs. In addition, the applicant requests variance approval for the sign height of the football scoreboard. The site is within the Residential Urban Standard Density (R-7) zone. The site is located at 9625 SW 125th Avenue, and is approximately 32.74 acres in size. Map 1S1-28DD; Tax Lot 300.

Mr. Osterberg indicated that the applicant has requested a continuance to June 14, 1999.

Mr. Straus MOVED and Ms. Cannon SECONDED a motion to continue VAR 99-00011/VAR 99-00013/VAR 99-00014/VAR 99-00015/VAR 99-00016 Southridge High School Variances until June 24, 1999. The question was called and the motion CARRIED unanimously.

ADJOURNMENT: 10:50 p.m.